

TO ALL LANDLORDS AND/OR AGENTS

NOTE: The Deputy clerks are empowered to assist landlords and/or their agents in completing the necessary paperwork; however, the Deputy Clerks do not have the authority to give legal advice. While employing an attorney is advisable. The law allows landlords to issue their own Dispossession Affidavits without the employment of an attorney. Therefore, Landlords and/or Agents please be advised that you are acting as your own attorney and are required to keep up with the progress of your case.

1. DISPOSSESSORY AFFIDAVITS are primarily designed for the removal of the tenant, not for collection of the rent.
2. DEMAND FOR POSSESSION of the premises must be made to the Tenant before swearing out the Dispossession Affidavit. Failure to make such demand could cause your case to be dismissed.
3. THE DISPOSSESSORY AFFIDAVIT MUST BE SWORN TO BEFORE A MAGISTRATE, DEPUTY CLERK, OR NOTARY PUBLIC.
4. The Filing Fee consists of the cost for filing the Affidavit and the service of the Affidavit by the Constables.

One (1) tenant \$60.00
Two (2) tenants \$85.00

5. BE ADVISED THAT THE ACCEPTANCE OF ANY RENT, PARTIAL OR IN FULL, OTHER THAN THROUGH TENDER INTO COURT, COULD BE GROUNDS FOR DISMISSAL THE DISPOSSESSORY AFFIDAVIT.
6. Once the tenant has been served, they have through the 7th day after service, to file an answer or legal defense with the Court. A judgment or writ of possession cannot be issued until it is made certain that no such answer has been filed. A pre-mature eviction could result in a lawsuit against the Landlord and/or the Agent.
7. Approximately ten (10) days after the filing of the Dispossession Affidavit, if no answer has been filed, or if the tenant has not paid the rent or moved and turned the premises over to the Landlord and/or the Agent, you must return to the Magistrate Court to file the Writ of Possession and judgment. The cost for service of the Writ of Possession by the Constable must be paid prior to the service of the Writ.

One (1) tenant \$25.00
Two (2) tenants \$50.00

8. If an answer is filed by the tenant, a hearing will be scheduled and the landlord and/or agent will be mailed or served with a hearing notice advising the date and time to appear.

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9. ALL DISMISSALS MUST BE FILED IN WRITING AND STATE THE PARTIES NAMES AND THE CASE NUMBER.

10. Labor for the removal of the tenant from the property will be the responsibility of the Landlord and/or the Agent. The Constables are there only for the property execution of the Writ of Possession and to provide quiet and peaceful possession of the property to the Landlord and/or the Agent.